

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTONE LEMANDINGO KNOX,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-20-1045-F
)	
MARK BOWEN,)	
)	
Respondent.)	

ORDER

Petitioner Antone Lemandingo Knox is a state prisoner appearing *pro se*, whose pleadings are liberally construed.

On October 16, 2020, the magistrate judge entered a Report and Recommendation. Doc. no. 9 (the Report). The Report recommends that Mr. Knox's motion to proceed in forma pauperis (doc. no. 2) be denied because Mr. Knox has sufficient funds to prepay the filing fee of \$5.00. In addition, the Report recommends that this action be dismissed without prejudice to re-filing unless Mr. Knox pays the \$5.00 filing fee to the clerk of this court within twenty days of the date of that order. Doc. no. 9, p. 2.

Petitioner Knox has sent a letter to the court. Doc. no. 10. The letter is construed as an objection to the Report.


Mr. Knox's letter (objection) states that the magistrate judge's Report is biased and discriminatory, and that it denies him access to the courts given his inability to control the payment of the fee by custodial officials. Mr. Knox's letter asks the court for a twenty- to thirty-day extension within which to pay the \$5.00 filing fee. The letter indicates that Mr. Knox has made prior attempts to have the filing fee forwarded to the court from his institutional account but that custodial

officials have not complied with his requests. The letter asks the court to order the custodians of Mr. Knox's institutional account to send the \$5.00 filing fee to the clerk of this court.

After careful consideration, Mr. Knox's request for an extension of time within which to pay the filing fee is **GRANTED**; otherwise, his objections to the Report are **DENIED**. The Report is **ACCEPTED, ADOPTED AND APPROVED** with one exception, relating to the deadline for payment of the filing fee. The court agrees with the magistrate judge that Mr. Knox's motion for leave to proceed in forma pauperis should be and hereby is **DENIED**. The court also agrees with the magistrate judge that absent payment of the \$5.00 filing fee, this action should be dismissed without prejudice. The deadline for payment of the \$5.00 filing fee which is stated in the Report is hereby **EXTENDED** to December 14, 2020. Absent payment of the \$5.00 filing fee by December 14, 2020, and absent any further developments justifying another extension, this action will, at that time, be dismissed without prejudice for failure to pay the initial filing fee as recommended in the Report.

The clerk of this court is **DIRECTED** to provide Mr. Knox with three copies of this order and three copies of the Report (doc. no. 9). Mr. Knox may distribute these documents to the custodian(s) of his institutional accounts(s). Upon receipt of these documents, the court is confident that the authorities in charge of Mr. Knox's institutional account(s) will promptly send the \$5.00 filing fee to the clerk of this court.

IT IS SO ORDERED this 10th day of November, 2020.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE